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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,317	08/13/2001	Tim Goldstein	10007813-1	7481

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MERED, HABTE

ART UNIT PAPER NUMBER

2662

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,317

Applicant(s)

GOLDSTEIN, TIMOTHY

Examiner

Habte Mered

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/13/01&04/07/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Putzolu (US 6, 584, 509).

3. Regarding **claim 1**, *Putzolu discloses, in Point-to-Point Protocol links, a method for communicating delay sensitive data packets such as multimedia (audio and video) packets over the same link as less sensitive data such as raw bulk data packets. The applicant's embodiments described in the specification all involve Point-To-Point Protocol such as transferring images between the digital camera and the PC as shown in Figure 2 in the applicant's drawings. Putzolu also discloses that the multimedia (audio and video) packets are extracted from the data stream in smaller segments and each segment is assigned a pre-determined priority level. Putzolu also discloses high priority packets may interrupt the transmission of a low priority packet.*

Putzolu discloses a method for communicating a plurality of data sets (**See Column 2, Lines 53-77 and Column 3, Lines 43-53; The data sets as disclosed by Putzolu are the audio visual packets and other types of data packets in the**

multimedia streams) comprising: segmenting each data set into a plurality of segments (**See Column 5, Lines 1-10; Step 306 in Figure 3; Putzolu discloses a segmentation scheme used in MCML PPP that allows the segmentation of each data set into plurality of segments**) assigning a transmission precedence to each of the segments according to the data set from which it was segmented (**See Step 308 in Figure 3 and Column 5, Lines 10-20**); and transmitting the segments in order of the assigned precedence whereby lower-precedence segments are transmitted during idle transmission time between higher-precedence segments (**See Column 5, Lines 21-34 and steps 310, 320, 330 and 332 in Figure 3; Column 6, Lines 55-67 and Figure 5; Putzolu discloses that after transmission of the current packet or segment is completed then the higher priority packets always have transmission precedence over the lower priority packets. Steps 320 and 332 in Figure 3 can verify the transmission precedence of higher priority packets over the lower priority packets. However, as can be verified by step 330 in Figure 3, when there are no higher priority packets (i.e. effectively establishing idle transmission time with respect to the higher priority packets or segments) then the lower priority packets are transmitted. Putzolu further illustrates this fact by an example In Figure 5. It can clearly be seen that Class 0 defined in Table 1 is RTP audio and has higher precedence and Class 3 defined in Table 1 is bulk data and has lower precedence. In Figure 5, it is clearly shown that the lower-precedence Class 3 packets are transmitted in the idle time slots of higher-precedence Class 0 packets.**).

4. Regarding **claims 2, 6 and 10**, Putzolu discloses a method further comprising assigning a priority to at least one of the data sets whereby segments from each such data set are assigned a higher precedence. **(See Step 208 in Figure 2 and Column 4, Lines 54-57; Step 308 in Figure 3 and Column 5, Lines 10-20);**

5. Regarding **claims 3, 7 and 11**, Putzolu discloses a method wherein the segments are Internet Protocol datagrams. **(See Column 1, Lines 24-34 and Column 5, Lines 35-45; Putzolu discloses that audio visual packets are carried as IP datagrams using UDP (User Datagram Protocol) as the transport mechanism.)**

6. Regarding **claims 4, 8 and 12**, Putzolu discloses a method wherein the data sets are image data sets. **(See Column 1, Line 17 and Lines 24-34; Column 5, Lines 35-45; Video packets are moving image data sets while camera pictures are still image data sets.)**

7. Regarding **claims 5 and 9**, Putzolu discloses a device for communicating a plurality of data sets **(See Figure 1A and 1B; Column 3, Lines 54-67 and Column 4, Lines 1-10)**, comprising: means for segmenting each data set into a plurality of segments **(See Column 5, Lines 1-10; Step 306 in Figure 3; Putzolu discloses a segmentation scheme used in MCML PPP that allows the segmentation of each data set into plurality of segments);**

means for assigning a transmission precedence to each of the segments according to the data set from which it was segmented **(See Step 308 in Figure 3 and Column 5, Lines 10-20);** and means for transmitting the segments in order of the assigned precedence whereby lower-precedence segments are transmitted during idle

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transmission-time between higher-precedence segments(See Column 5, Lines 21-34 and steps 310, 320, 330 and 332 in Figure 3; Column 6, Lines 55-67 and Figure 5; Putzolu discloses that after transmission of the current packet or segment is completed then the higher priority packets always have transmission precedence over the lower priority packets. Steps 320 and 332 in Figure 3 can verify the transmission precedence of higher priority packets over the lower priority packets. However, as can be verified by step 330 in Figure 3, when there are no higher priority packets (i.e. effectively establishing idle transmission time with respect to the higher priority packets or segments) then the lower priority packets are transmitted. Putzolu further illustrates this fact by an example In Figure 5. It can clearly be seen that Class 0 defined in Table 1 is RTP audio and has higher precedence and Class 3 defined in Table 1 is bulk data and has lower precedence. In Figure 5, it is clearly shown that the lower-precedence Class 3 packets are transmitted in the idle time slots of higher-precedence Class 0 packets.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited as being the state of the art in the transmission of delay sensitive data over the same transmission channel as other less delay sensitive data:

U.S. Pub. No. (US 2002/0041592) to Van Der Zee et al

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HM
03-25-2005



KENNETH VANDERPUYE
PRIMARY EXAMINER